

REMARKS/ARGUMENTS

Applicants respectfully request entry of this Amendment, reconsideration of this application, as amended, and reconsideration of the December 14, 2006, Office Action.

I. APPLICANTS' INTERVIEW SUMMARY

Applicants wish to thank the Examiner for the courtesies extended to Applicants' undersigned representative in conducting the personal interview on April 4, 2007. Agreement was reached with respect to potential amendments to claim 1 that would overcome at least Seybold (U.S. Patent No. 6,128,007, "Seybold") and Sekizawa *et al.* (U.S. Patent No. 6,239,789, "Sekizawa"). Applicants agree with and adopt the Examiner's Interview Summary as an accurate description of the substance of interview, in conjunction with the remarks made herein, pursuant to MPEP § 713.04.

Additionally, pursuant to a follow-up interview with the Examiner on April 10, 2007, the Examiner indicated that he has reviewed and considered the Japanese Patent Document No. 09190268 ("JP '268") cited in Applicants' Information Disclosure Statement dated November 14, 2006. Applicants respectfully request that the Examiner issue an updated Information Disclosure Statement with the JP '268 reference initialed.

II. GENERAL REMARKS REGARDING THE CONTENT OF THIS AMENDMENT

Upon entry of this Amendment, claims 1, 3, 4, 6-31 and 33-75 will remain pending in this application. Through this Amendment, claims 1, 3, 4, 19, 22, 31, 34, 35, 46, 56-58, 60, 65, 66 and 68 have been amended. In particular, claim 1 has been amended to include various features previously recited in now cancelled claims 2 and 5 as well as to include further description of the hovering orientation. Independent claims 1, 19, 31, 46, 56 and 65 have also been amended to recite similar features. Claims 73-75 have been added. No new matter has been added.

Applicants further submit that, for the reasons discussed in detail below, claims 1, 3, 4, 6-31 and 33-75 stand in condition for immediate allowance. The various issues raised in the Office Action are addressed below.

III. APPLICANTS' CLAIMS PATENTABLY DISTINGUISH FROM THE CITED ART

The Office rejected claims 1-72 in this application based on various references as summarized in the following table:

Claims Rejected	Basis	Cited Reference(s)
1-5, 10, 18-21, 24, 30-35, 39, 45-47, 49, 55-58, 64-66, and 72	35 U.S.C. § 102(b)	Seybold
4, 34 and 58	35 U.S.C. § 103(a)	Seybold
6	35 U.S.C. § 103(a)	Seybold in view of Brittenham <i>et al.</i> (U.S. Patent No. 5,905,486, "Brittenham")
7, 23, 36, 48, 59 and 67	35 U.S.C. § 103(a)	Seybold in view of Bellwood <i>et al.</i> (U.S. Published Patent Appln. No. 2005/0039137, "Bellwood")
8, 9, 37 and 38	35 U.S.C. § 103(a)	Seybold in view of Higashio (U.S. Patent No. 5,900,869, "Higashio")
11-14, 25-28, 40-43, 50-53, 60-62 and 68-70	35 U.S.C. § 103(a)	Seybold in view of Sekizawa
15, 29, 44, 54, 63 and 71	35 U.S.C. § 103(a)	Seybold in view of Karson <i>et al.</i> (U.S. Published Patent Appln. No. 2005/0160371, "Karson")
16 and 17	35 U.S.C. § 103(a)	Seybold in view of Karson and further in view of Sekizawa

As noted above, independent claim 1 has been amended in accordance with the agreement reached with the Examiner during the personal interview of April 4, 2007. Accordingly, claim 1 is allowable for at least this reason.

Amended independent claims 19, 31, 46, 56 and 65 all generally relate to providing focus to a first control element corresponding to a determined location of the first stylus in a hovering orientation by designating the first control element for receiving input. Nowhere does Seybold or any of the secondary references teach or suggest such features. In particular, Seybold discloses using an EM field to detect the motion of a pen or stylus that sends field sensitive coordinate information to an underlying computer. Col. 4, ll. 24-45. Even so, merely detecting the motion of a pen or stylus using an EM field does not constitute providing focus to a control element

corresponding to a determined location of a stylus in a hovering orientation, as recited in the above listed independent claims. Bellwood, Brittenham, Higashio, Sekizawa and Karson are all similarly deficient and thus do not cure the deficiencies of Seybold. In fact, the Office does not cite any of the secondary references as disclosing such features. Furthermore, the Office's apparent use of Official Notice in its rejections of claims 4, 34 and 58 to show that electromagnetic sensing has certain restrictions also fails to cure the deficiencies of Seybold, even if taken as true. Accordingly, claims 19, 31, 46, 56 and 65 are allowable for at least these reasons.

Claims 3, 4, 6-18, 20-30, 33-45, 47-55, 57-64 and 66-72 are dependent on claims 1, 19, 31, 46, 56 and 65, respectively, and are thus allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein.

For example, in the Office's rejection of claims 4, 34 and 58, the Office asserts that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have moved a first stylus away from the digitizer without contacting a surface of the digitizer such that the input indicating first stylus proximity is no longer received due to the restrictions of electromagnetic sensing. Even assuming, without admitting, that such a motivation is valid, the Office still fails to address why one of ordinary skill in the art would have been motivated to **withdraw focus from a first control element** when the first stylus moving away from the digitizer such that the input indicating first stylus proximity is no longer received, as recited in claims 4, 34 and 58. The Office has failed to address an entire feature of these claims. Claims 4, 34 and 58 are thus allowable for this additional reason. Additionally, Applicants respectfully request documentation and/or proof regarding any assertions of Official Notice made by the Office.

New claims 73-75 have been added and are dependent on independent claims 1, 19 and 31, respectively. As such, claims 73-75 are allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein.

IV. CONCLUSION

If the Examiner believes that a personal or telephone interview will be useful to resolve any issues and/or to advance the prosecution of this application, he is invited to contact the undersigned attorney.

If any fees are required, such as fees under 37 C.F.R. §§ 1.16 or 1.17, or if an extension of time is necessary that is not accounted for in the papers filed with this Amendment, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any necessary fees, including any necessary extension fees. Any overpayment also can be credited to Deposit Account No. 19-0733.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for immediate allowance and respectfully solicit prompt notification of the same.

Respectfully Submitted,

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